

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
v. ) Criminal No.: 19-10234-FDS  
JOHANNY MEJIA-NUNEZ )  
Defendant. )

## **JOINT INITIAL STATUS REPORT**

The parties in the above-captioned matter submit this initial status report pursuant to Local Rule 116.5(b) of the Local Rules for the United States District Court for the District of Massachusetts.

## **1. Status of Automatic Discovery**

On July 31, 2019, the government produced a CD containing automatic discovery to the defendant. The CD contains reports, photographs, arrest paperwork, recordings and materials including text messages and phone calls between the defendant and the confidential informant and undercover detective, the defendant's post-arrest audio statement and other materials relevant to the case. The drug certification was sent to the defendant today.

## **2. Need for Protective Order**

At this point, the parties do not anticipate the need for a protective order.

### **3. Status and Timing of Additional Discovery Requests**

The government will provide additional discovery materials if and when any become available. The defendant has not yet determined whether he will be filing discovery motions.

#### **4. Timing of Pretrial Motions under Fed. R. Crim. P. 12(b)**

The defendant has advised that he intends to file a motion contesting the Court's detention order entered on June 26, 2019 (ECF Dkt. No. 17). The defendant is still determining whether to file any additional discovery motions. After review of discovery, the defendant may file motions for further and/or more specific discovery, a Motion to Suppress and/or Dismiss, and/or other Motions relating to this case. The defendant requests future deadlines for suppression or dispositive motions after he and his attorney have had sufficient time to review the discovery that has been produced.

**5. Expert Witness Disclosures**

The Government, during its case in chief, intends to offer the expert testimony of one or more forensic chemists to testify with regard to the chemical analysis of the controlled substances seized in connection with this case based on both gross and scientific analysis. The drug certification, which is being provided today, has been provided, and a CV of the expert witness(es) and summaries of the expert witness(es)' anticipated testimony and the bases for such expert opinion will be provided in the event the parties do not reach a stipulation as to the results of the examination of the drugs purchased and seized from the defendant. After having an opportunity to review the report, the defendant will determine whether the defense will rely upon an expert and will provide disclosures to the government at that time.

**6. Periods of Excludable Delay Under Speedy Trial Act**

All of the time has been excluded from the filing of the defendant's indictment up to and including the date of the initial status conference scheduled for August 28, 2019. *See* ECF Dkt. No. 23.

The parties jointly request that the time from August 28, 2019 through the date of the Interim Status Conference be excluded under the Speedy Trial Act to allow the defense sufficient time to review discovery and for the parties to explore disposition of this case short of trial. Exclusion of such time is in the interests of justice. *See* 18 U.S.C. § 3161(h)(7)(A).

**7. Request to Cancel Initial Status Conference and Request for Interim Status Conference**

Because there are no issues presently in dispute, the parties jointly request that the Court cancel the presently scheduled initial status conference scheduled for August 28, 2019 in lieu of this Joint Report. The parties request that the Court schedule an Interim Status Conference in approximately 45-60 days. The parties jointly believe that this will allow the defendant time to review the discovery produced to date and determine whether there are any discovery or other matters to bring to the Court's attention. Further, this extension will allow the defendant time to consider a resolution short of trial.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ *Corey Steinberg*  
**COREY STEINBERG**  
Assistant United States Attorney

Date: August 27, 2019